

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
Case No.: 0:22-cr-00243 (MJD/DTS)**

United States of America,)	
)	
v.)	JOINT MOTION FOR THE
)	PREPARATION OF A PRE-
Marcus Trice,)	PLEA PRESENTENCE
)	INVESTIGATION REPORT
Defendant.)	
)	

TO: THE HONORABLE MICHAEL J. DAVIS, JUDGE OF MINNESOTA FEDERAL DISTRICT COURT; THE HONORABLE DAVID T. SCHULTZ, MAGISTRATE JUDGE OF MINNESOTA FEDERAL DISTRICT COURT; AND ALLEN SLAUGHTER AND MATTHEW FORBES, ASSISTANT UNITED STATES ATTORNEYS GENERAL FOR THE PLAINTIFF UNITED STATES OF AMERICA.

The defendant, Marcus Trice (“Trice”), by and through his undersigned attorney, respectfully moves the Court, pursuant to Fed. R. Crim. P. 32.1(e)(1), to order the preparation and disclosure of a pre-plea presentence investigation report. As grounds, Trice offers the following information.

1. The indictment charged Trice with possession with intent to distribute fentanyl. (Doc. No. 1).
2. The parties are engaged in settlement discussions. A plea agreement hinges on a determination of whether Trice meets criteria for “safety valve” pursuant to 18 U.S.C. § 3553(f). The parties agree that the best way to determine this is to request the Court order the preparation of a pre-plea presentence investigation report to examine Trice’s criminal history.

3. A motion hearing is currently scheduled for December 21, 2022. Trice requests the Court cancel the motion hearing and schedule a consolidated plea and sentencing hearing no earlier than ninety days from the date the Court grants this motion. This will ensure an efficient disposition of the case should the parties reach a plea agreement based on the contents of the pre-plea presentence investigation.
4. Trice respectfully moves this Court to direct the U.S. Probation and Pretrial Services Office to prepare a presentence report under Fed. R.Crim. P. 32(d) and LR 83.10. Trice has discussed with counsel that, under Fed. R.Crim. P. 32(e)(1), the probation office may not submit the presentence report to the Court or anyone else until after the defendant has pled guilty, unless Trice consents to the early disclosure in writing. Through this motion, Trice consents and asks the Court to allow the probation office to disclose the report to the Court and the parties no later than 49 days after this joint motion is granted.
5. Following disclosure of the presentence investigation report, the parties will submit a letter with the Court within seven days indicating whether a plea agreement has been reached. If a plea agreement is reached, then the parties will submit objections within fourteen days of the disclosure of the presentence investigation report. The final presentence investigation report will be disclosed seven days after receipt of objections. The parties' positions regarding sentencing will be submitted within thirty days after receipt of the final presentence investigation report. If a plea agreement is not reached, then the parties will inform the Court whether the matter shall be scheduled for a motion hearing or trial.

6. Assistant U.S. Attorney Allen Slaughter does not object to this motion. The United States has agreed to facilitate the generation of a pre-plea presentence investigation, including through provision to the U.S. Probation and Pretrial Services Office the offense and criminal history materials obtained by the government to date.
7. The defendant agrees that the Court may make a finding that the ends of justice served by the delay in setting the consolidated hearing outweigh the best interests of the public and the defendant on a speedy trial under 18 U.S.C. § 3161(h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv), and that the Court may exclude the time between the filing of this motion and the date of the consolidated hearing from the Speedy Trial calculation.

RESPECTFULLY SUBMITTED,

REPKA LAW, LLC



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Dated: December 8, 2022

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Dated: December 8, 2022